

**Notice of Allowability**

Application No.

09/944,454

Examiner

John B. Strege

Applicant(s)

FUKUSHIMA ET AL.

Art Unit

2624

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 1/17/06.
2. ☒ The allowed claim(s) is/are 1-40.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

***Response to Amendment***

The amendment received 1/17/06 has been entered in full. Currently claims 1-40 are pending.

***Response to Arguments***

Applicant's arguments, see pages 17-23, filed 1/12/06, with respect to claims 1-40 have been fully considered and are persuasive. The rejections and objections of claims 1-40 have been withdrawn based on the arguments and the amendments.

***Allowable Subject Matter***

1. Claims 1-40 are allowed.
2. The following is an examiner's statement of reasons for allowance:

Regarding claims 1-3, and 7-9, as persuasively argued by the Applicant, none of the prior art explicitly discloses an electronic watermark embedding apparatus for embedding an electronic watermark in image data, comprising: encoding information detecting means for detecting encoding information from the image data in which the electronic watermark has been embedded and which has been encoded, and feeding the detected encoding information back to the electronic watermark embedding means that controls an amount of the electronic watermark data to be embedded in the image data in accordance to the encoding information detected and the fed back information. Claims 4-6, and 10-18 are dependent on the mentioned allowable independent claims and thus are allowable for the same reasons given in their parent claims.

Claims 19-28 are similarly allowed because none of the prior art explicitly discloses an electronic watermark embedding apparatus for embedding an electronic

watermark in image data, comprising: detecting an amount of information of the image data converted by said format converting means into data of an MPEG2 format and outputting a signal representing the converted image information and feeding the converted image information signal back to the electronic watermark embedding means that controls an amount of the electronic watermark data to be embedded in the image data in accordance to the encoding information detected and the fed back information. Claims 29-39 are dependent on the mentioned allowable independent claims and thus are allowable for the same reasons given in their parent claims.

Claim 40 is similarly allowed because none of the prior art explicitly discloses an electronic watermark embedding apparatus for embedding an electronic watermark in image data, comprising: detecting and feeding back information regarding the electronic watermark in the image data in which the electronic watermark has been embedded; and controlling an amount of the electronic watermark data to be embedded in the image data and strength thereof according to the information regarding the electronic watermark in the image data which is detected and fed back by the detecting step.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Strege whose telephone number is (571) 272-7457. The examiner can normally be reached on Monday-Friday between the hours of 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JS

  
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